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OFFICE OF PETITIONS

In re Application of :
Tianyi Liao :
Application No. 10/728,358 : **DECISION ON PETITION.**
Filed: December 3, 2003 :
Attorney Docket No. LP 4820 US NA :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 27, 2007, to revive the above-identified application.


The petition is **GRANTED**.

The application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within the one (1) month of the Notification of Non-Compliance with 37 CFR 41.37(c)(1) mailed April 9, 2007, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained, the appeal was dismissed and the proceedings as to the rejected claims were terminated. See 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on May 10, 2007. See MPEP 1215.04. A Notice of Abandonment was mailed on August 16, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Appeal Brief, only the brief was filed, fee had already been paid with previous brief, (2) the petition fee of \$1500, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at (571) 272-4618.

This application is being referred to the Technology Center AU 1771 for appropriate action in the normal course of business for processing of the Appeal Brief received September 27, 2007.


Carl Friedman
Petitions Examiner
Office of Petitions